

5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 23-cr-20235

Plaintiff,

HON. THOMAS L. LUDINGTON
United States District Judge

v.

RANDALL ROBERT BERKA, II,

Violations:

Defendant.

18 U.S.C. § 922(g)(4)
26 U.S.C. § 5861(d)
18 U.S.C. § 875(c)
18 U.S.C. § 115(a)(1)(B)

SUPERSEDING INDICTMENT

FILED

AUG 09 2023

THE GRAND JURY CHARGES:

U.S. DISTRICT COURT
BAY CITY, MICHIGAN

COUNT ONE

**Possession of a Firearm by a Prohibited Person
18 U.S.C. § 922(g)(4)**

On or about March 9, 2023, in the Eastern District of Michigan, RANDALL ROBERT BERKA, II, knowing he had been adjudicated a mental defective and having been committed to a mental institution, knowingly possessed, in and affecting commerce, a firearm, that is, a Galil, Model Ace Sar, .556 caliber rifle, a Kalashnikov, Model KS-12, 12 gauge shotgun, a Masada, Model 9S, 9mm caliber, semi-automatic pistol. and a Zatstava, Model Z-Pap M70, 7.62x39mm caliber rifle, in violation of Title 18, United States Code, Section 922(g)(4).

COUNT TWO
Possession of an Unregistered Firearm
26 U.S.C. § 5861(d)

On or about March 9, 2023, in the Eastern District of Michigan, RANDALL ROBERT BERKA, II, knowingly possessed a short barrel rifle, that is, a semi-automatic rifle, containing a Fostech, Model Tech-15 lower receiver, and having a barrel of less than 16 inches in length as defined in 26 U.S.C. § 5845, which was not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Codes, Sections 5841, 5861(d) and 5871.

COUNT THREE
Interstate Communication Containing Threat
to Kill or Injure Through Use of the Internet
18 U.S.C. § 875(c)

On or about February 20, 2023, in the Eastern District of Michigan, RANDALL BERKA, II, knowingly and willfully transmitted in interstate and foreign commerce, by use of the internet, a comment on Youtube, a social media platform, a communication which contained a threat to kill or injure PERSON A, specifically:

“you could be like me and get guns and threaten to kill politicians. im
more than willing to kill PERSON A and I do live in Michigan. ill

assault her ugly face with my bullets. she was never s assaulted shes
too ugly for it. she let herself be a p hole for the WEF”

In violation of Title 18, United States Code, Section 875(c).

COUNT FOUR
Influencing a Federal Official by Threat
18 U.S.C. § 115(a)(1)(B)

On or about March 9, 2023, in the Eastern District of Michigan, the
defendant, RANDALL BERKA, II, threatened to assault a federal law enforcement
officer with the intent to impede, intimidate, interfere with and retaliate against the
officer, while the officer was engaged in, and on account of, the performance of his
official duties, in violation of Title 18, United States Code, Section 115(a)(1)(B).

FORFEITURE ALLEGATIONS

The allegations contained in Count One of this Indictment are hereby re-
alleged and incorporated by reference for the purpose of alleging forfeiture pursuant
to Title 18, United States Code, Section 924(d)(1).

Upon conviction of an offense charged in Count One of this Indictment,
RANDALL ROBERT BERKA, II, shall forfeit to the United States, pursuant to Title
18, United States Code, Section 924(d)(1), any firearm or ammunition involved in
said offenses including but not limited to a Galil, Model Ace Sar, .556 caliber rifle,

a Kalashnikov, Model KS-12, 12 gauge shotgun, a Masada, Model 9S, 9mm caliber, semi-automatic pistol. and a Zatstava, Model Z-Pap M70, 7.62x39mm caliber rifle.

The allegations in Count Two of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 26, United States Code, Section 5872.

Pursuant to Title 26, United States Code, Section 5872, upon conviction of an offense in violation of Title 26, United States Code, Section 5861, the defendant shall forfeit to the United States any firearms involved in or used in the knowing commission of the offense(s).

THIS IS A TRUE BILL.

s/Grand Jury Foreperson
GRAND JURY FOREPERSON

Dated: August 9, 2023

DAWN N. ISON
United States Attorney

s/Anthony P. Vance
ANTHONY P. VANCE
Assistant United States Attorney
Chief – Branch Offices

s/Katharine Hemann
KATHARINE HEMANN
Assistant United States Attorney
101 First Street, Ste. 200
Bay City, Michigan 48708
Phone: (989)891-0363
Katharine.Hemann@usdoj.gov

Companion Case information MUST be completed by AUSA and initialed.

United States District Court Eastern District of Michigan	Criminal Case Cover Sheet	Case Number
--	----------------------------------	--------------------

NOTE: It is the responsibility of the Assistant U.S. Attorney signing this form to complete it accurately in all respects.

Companion Case Information	Companion Case Number:
This may be a companion case based upon LCrR 57.10 (b)(4) ¹ :	Judge Assigned:
<input type="checkbox"/> Yes <input type="checkbox"/> No	AUSA's Initials: KH

Case Title: USA v. Randall Robert Berka II**County where offense occurred:** Huron County**Check One:** ☒ **Felony** ☐ **Misdemeanor** ☐ **Petty** Indictment/ Information --- **no** prior complaint. Indictment/ Information --- based upon prior complaint [Case number:] x Indictment/ Information --- based upon LCrR 57.10 (d) [Complete Superseding section below].**Superseding Case Information****Superseding to Case No:** 23-cr-20235**Judge:** Thomas L. Ludington

- ☐ Corrects errors; no additional charges or defendants.
- ☐ Involves, for plea purposes, different charges or adds counts.
- ☒ Embraces same subject matter but adds the additional defendants or charges below:

<u>Defendant name</u>	<u>Charges</u>	<u>Prior Complaint (if applicable)</u>
Randall Robert Berka II	18 U.S.C. 875(c) 18 U.S.C. 115(a)(1)(B)	

Please take notice that the below listed Assistant United States Attorney is the attorney of record for the above captioned case.

Date:, August 9, 2023

s/Katharine Hemann

Katharine Hemann

Assistant United States Attorney

101 First Street, Suite 200, Bay City, MI 48708

Phone: 989-895-5712

Fax: 989-895-5790

E-Mail address: Katharine.hemann@usdoj.gov

Attorney Bar #: WSBA# 46237

¹ Companion cases are matters in which it appears that (1) substantially similar evidence will be offered at trial, (2) the same or related parties are present, and the cases arise out of the same transaction or occurrence. Cases may be companion cases even though one of them may have already been terminated.